

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

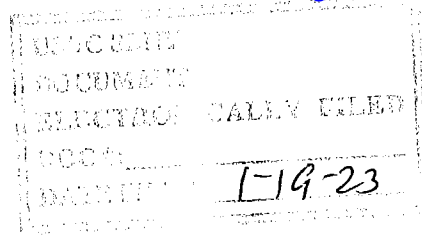
GABRIEL ORTIZ,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.



22-CV-9833 (VB)

18-CR-291-7 (VB)

ORDER TO ANSWER, 28 U.S.C. § 2255

VINCENT L. BRICCETTI, United States District Judge:

[Signature]
Copies Mailed/Faxed
Chambers of Vincent L. Briccetti
1-19-23

By Order dated November 21, 2022, the Court construed movant Gabriel Ortiz's "motion for resentencing in light of plain error review" as a motion for relief under 28 U.S.C. § 2255.

The Court also directed movant, by January 20, 2023, to either (i) notify the Court that he wished to amend or withdraw the motion, or (ii) file a declaration showing cause why the motion should not be dismissed as time-barred. (Doc. #3 in Case No. 22 CV 9833). In a submission dated January 9, 2023 (Doc. #4 in Case No. 22 CV 9833), movant opted to file a declaration purporting to show cause why the motion should not be dismissed as time-barred.

The Court, having concluded that although the Section 2255 motion should not be summarily dismissed as being without merit but that **it may be untimely**, hereby ORDERS that:

The Clerk of Court shall electronically notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York that this Order has been issued.

By March 20, 2023, the U.S. Attorney's Office shall file an answer or other pleadings **addressing only the timeliness of the Section 2255 motion.**

Movant shall have until April 20, 2023, to file a response to the government's submission.

The Court will review the submissions and either decide the motion on the submitted papers, or if necessary, order the parties to submit supplemental briefing.

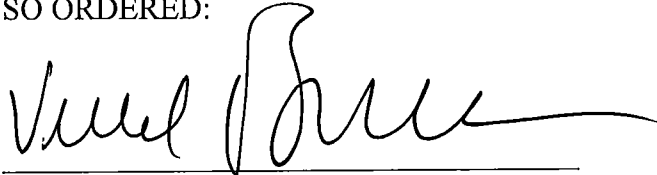
All further papers filed or submitted for filing must include both the criminal docket number and the civil docket number, and will be docketed in both cases.

Chambers will mail a copy of this Order to movant at the following address:

Gabriel Ortiz, Reg. No. 85652-054
FCI Ray Brook
P.O. Box 900
Ray Brook, NY 12977-0900

Dated: January 19, 2023
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge